
OLR Bill Analysis

sHB 5183

AN ACT CONCERNING REGISTRATION OF ALL-TERRAIN VEHICLES AND ESTABLISHING AN ALL-TERRAIN VEHICLE DIVISION WITHIN THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

SUMMARY:

This bill creates an All-Terrain Vehicle (ATV) Division within the Department of Energy and Environmental Protection (DEEP) to (1) create and maintain ATV trails, (2) assist with ATV law enforcement, and (3) fund grants and activities for such things as safety and education classes for ATV operators.

The bill increases, from \$20 to \$40, the biennial ATV registration fee and requires half of the fee to be deposited into a new "all-terrain vehicle account" for use by the ATV Division. It also requires ATV owners to pay a \$5 "land purchase fee" at each registration. The division must use the proceeds to purchase land for ATV use.

The bill also makes it illegal to sell, register, or operate a motorcycle or sell, install, or modify a motorcycle exhaust system without a U.S. Environmental Protection Agency (EPA) noise emission control label affixed. It subjects violators to fines of between \$50 and \$250, depending on the offense. The fines must be deposited in the Special Transportation Fund.

EFFECTIVE DATE: October 1, 2013, with the fine for failing to display the EPA noise emission control label applicable to violations committed on or after that date.

ATV REGISTRATION

Fee

By law, Connecticut residents must register their ATVs with the motor vehicles commissioner if they plan to operate them on land they

do not own or lease.

The bill increases, from \$20 to \$40, the biennial ATV registration fee and requires 50% of the fee to be deposited in an ATV account, which the bill creates (see below).

For registration purposes, an ATV is a self-propelled vehicle designed to travel over unimproved terrain and unsuitable for use on public highways, as determined by the motor vehicles commissioner (CGS § 14-379). ATVs are defined more restrictively, however, for operation on state land. For this purpose, an ATV is a motorized vehicle unsuitable for operation on a highway that, among other things, (1) is no more than 50 inches wide, (2) weighs no more than 600 pounds, and (3) has an engine with a piston displacement of over 50 cubic centimeters (CGS § 23-26a). It is unclear which definition would apply to ATVs using the land DEEP's ATV Division would purchase under the bill.

ATV Account

The bill creates an ATV account as a separate nonlapsing account within the General Fund. The account must contain any money the law requires to be deposited in it.

The bill requires the ATV Division to use the account funds for (1) creating and maintaining ATV trails, (2) assisting with ATV law enforcement, and (3) funding grants and related activities. It allows excess funds to be transferred to the General Fund's maintenance, repair, and improvement account to be used for maintaining, improving, repairing, or erecting structures on state park property, such as houses or buildings.

State law already requires the DEEP commissioner to evaluate and make available some state land for ATV use. He must consider minimizing the ATVs' impact on the environment and consult with the state agency that owns the land before making it available to ATV operators (CGS § 23-26c).

MOTORCYCLE EXHAUST SYSTEM LABEL

The bill prohibits selling, registering, or operating a motorcycle in Connecticut without prominently displayed EPA noise emission control labels on the motorcycle and its exhaust system. It also prohibits selling, installing, or modifying a motorcycle exhaust system after a motorcycle is sold unless the exhaust system has a prominently displayed EPA noise emission control label (see BACKGROUND).

Violators are subject to a fine of between \$50 and \$100 for a first offense, and between \$100 and \$250 for subsequent offenses. Existing law also subjects these violators to a surcharge of 50% of the fine amount (CGS § 13b-70). The bill allows violators to pay the fine by mail to the Centralized Infractions Bureau without making a court appearance.

Under existing law, unchanged by the bill, motor vehicles with internal combustion engines must be equipped with mufflers that prevent excessive, unnecessary, or unusual noise. The law generally prohibits modifying or using mufflers in a way that causes excessive or unusual noise (CGS § 14-80). By law, motorcycles are motor vehicles (CGS § 14-1(54)).

BACKGROUND

EPA Exhaust System Labels

Federal regulations require motorcycles manufactured on and after January 1, 1983 and the exhaust systems for these motorcycles, to meet certain noise emissions standards. The regulations also require that the manufacturers attach a permanent label to the motorcycle and exhaust system to indicate that each motorcycle and system meets these standards (40 CFR 205, Subparts D and E).

Connecticut Maximum Noise Levels

By state regulation, motorcycles manufactured on and after January 1, 1979 cannot exceed a noise level of 84 decibels (dB) when traveling over 35 mph on a paved street or highway, or 80 dB when traveling more slowly. A stationary motorcycle cannot exceed 80 dB on a paved road (Conn. Agencies Reg. § 14-80a-4a(d)).

These regulations were adopted under a law that prohibits (1) operating a motor vehicle in a way that exceeds these noise levels and (2) a motor vehicle owner from allowing his vehicle to be operated in excess of these levels. Also, no one may sell or offer to sell a new motor vehicle if it produces a maximum noise level over the level established in regulation. A violation is an infraction (CGS § 14-80a).

Legislative History

The House referred the bill (File 321) to the Finance, Revenue and Bonding Committee, which reported a substitute that added provisions requiring an EPA noise emission control label to be displayed on motorcycles and motorcycle exhaust systems.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 32 Nay 2 (03/15/2013)

Finance, Revenue and Bonding Committee

Joint Favorable Substitute

Yea 28 Nay 21 (04/12/2013)